

**From:** [Jim Hecker](#)  
**To:** [Neugeboren, Steven](#); [Garbow, Avi](#); [Wall, Tom](#); [Mitchell, Stacey](#); [Horwitz, Sylvia](#)  
**Cc:** [Joe Lovett](#); [Jennifer Chavez](#); [Peter Morgan](#)  
**Subject:** RE: Changes to West Virginia's NPDES Program  
**Date:** Tuesday, April 14, 2015 3:33:29 PM  
**Attachments:** [71 Ps SJ opp memo.pdf](#)

---

On April 3, I sent you Fola's summary judgment brief in the pending case that is going to trial this June. Fola argues, in part, that the effect of the two new West Virginia statutes, HB 2283 and SB 371, is to bar our claims under the CWA and SMCRA.

Attached is the brief that we filed yesterday in response to Fola's arguments about these statutes. See pages 11-31.

Thanks,

Jim Hecker  
Public Justice  
1825 K Street, NW Suite 200  
Washington, D.C. 20006  
(202) 797-8600 ext. 225  
fax (202) 232-7203  
[jhecker@publicjustice.net](mailto:jhecker@publicjustice.net)